



**A Compliance Check Newsletter**

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## **Justice Department Reaches Americans with Disabilities Act Settlement with Wells Fargo**

The Justice Department announced recently a comprehensive settlement agreement under the Americans with Disabilities Act (ADA) with Wells Fargo & Company to ensure equal access for individuals with disabilities to Wells Fargo's services nationwide, including its nearly 10,000 retail banking, brokerage and mortgage stores, over 12,000 ATMs, and its telephone and website services.

The agreement resolves numerous ADA complaints filed by individuals who are deaf, are hard of hearing or have speech disabilities who allege that Wells Fargo would not do business with them over the phone using a telecommunications relay service. Instead, the individuals were directed to call a TTY/TDD line that asked them to leave a message, which went unanswered. Wells Fargo started addressing these customers' concerns before the Justice Department investigation began. Once the department opened an investigation, Wells Fargo worked cooperatively to achieve a comprehensive settlement addressing all ADA issues in its retail banking and financial services.

Wells Fargo will pay up to \$16 million to compensate individuals harmed by certain violations of Title III of the ADA. The department will be administering a claims process to distribute these funds. Wells Fargo will also pay a \$55,000 civil penalty to the United States. In addition, Wells Fargo affirms its commitment to advancing the interests of individuals with disabilities by paying a total of \$1 million in charitable donations to non-profit organizations that will assist veterans with disabilities resulting from injuries sustained while serving in Iraq or Afghanistan to live independently in the community.

Finally, the agreement requires Wells Fargo to take the following steps to improve access for customers with disabilities:

- Remove physical barriers to access, as required, at its retail stores across the nation and remedy all other instances of discrimination under Title III of the ADA that are identified during the claims process.
- Provide appropriate auxiliary aids and services, including qualified sign language interpreters, computer-assisted real time transcription, qualified readers and documents in Braille, large print, and other alternate formats to persons with

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disabilities when necessary to ensure effective communication throughout its financial services and programs.

- Adopt and enforce a policy on effective communication with individuals who are deaf, are hard of hearing, are blind or have low vision for all Wells Fargo retail stores and financial services nationwide, post a summary of the policy on its website and distribute the policy to current and new employees and contractors.
- Accept calls made through a relay service operator by customers who are deaf, are hard of hearing or have speech disabilities on an equivalent basis to calls from other customers. This includes eliminating special security provisions applied to relay calls and using the same caller verification procedures whether or not a customer uses a relay service.
- Maintain staffing of phone lines dedicated to TTYs / TDDs, wherever provided, on a basis equivalent to telephone lines that are not dedicated to TTYs / TDDs.
- Ensure that its ATMs and websites are accessible to individuals with disabilities.
- Establish a toll-free ADA comment/complaint line so customers with disabilities have an easy avenue for alerting Wells Fargo to concerns about disability-related problems accessing goods, services and facilities.
- Hire a full-time national ADA coordinator to coordinate Wells Fargo's efforts to comply with its responsibilities under the ADA and this agreement, including the investigation of ADA complaints received on its ADA comment/complaint line.
- Provide staff training on the ADA and Wells Fargo's obligations to provide effective communication to individuals with disabilities.
- Post and maintain in a conspicuous location in all Wells Fargo banking stores a notice stating that individuals with disabilities have a right under the ADA to request a sign language or oral interpreter or other auxiliary aids or services.

Title III of the ADA prohibits discrimination against individuals with disabilities by businesses that serve the public. Among other things, the ADA requires financial institutions, accountants, lawyers, doctors and other businesses to provide auxiliary aids and services that are necessary for effective communication. For individuals who are deaf or hard of hearing, auxiliary aids include qualified sign language or oral interpreters, use of relay services, computer-assisted real time transcription, and, for simple communications, the exchange of written notes. For individuals who are blind or have low vision, auxiliary aids include qualified readers, assistance in filling out forms and written materials provided in alternate formats, such as Braille, large print, audio recordings or accessible electronic formats such as email or HTML.